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20 *Counsel for Defendant Google LLC*

21 **UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

22 CHASOM BROWN, *et al.*, individually and  
23 on behalf of themselves and all others  
similarly situated,

24 Plaintiffs,

25 v.

26 GOOGLE LLC,

27 Defendant.

28 Case No. 4:20-cv-03664-YGR-SVK

**DECLARATION OF DONALD SETH  
FORTENBERY IN SUPPORT OF  
GOOGLE LLC’S ADMINISTRATIVE  
MOTION TO SEAL PORTIONS OF  
JOINT SUBMISSION RE:  
PRESERVATION IN LIGHT OF CLASS  
CERTIFICATION ORDER**

Judge: Hon. Susan van Keulen, USMJ

1 I, Donald Seth Fortenberry, declare as follows:

2 1. I am a member of the bar of the State of Kentucky and an attorney for Quinn Emanuel  
3 Urquhart & Sullivan, LLP, which serves as Google's outside counsel in this litigation. I have been  
4 admitted pro hac vice in this matter. Dkt. 547. I make this declaration of my own personal, firsthand  
5 knowledge, and if called and sworn as a witness, I could and would testify competently thereto.

6 2. Pursuant to Civil Local Rule 79-5, I submit this declaration in support of Google  
7 LLC's Administrative Motion to Seal Portions of Joint Submission Re: Preservation in Light of  
8 Class Certification Order ("Joint Submission"). In making this request, Google has carefully  
9 considered the relevant legal standard and policy considerations outlined in Civil Local Rule 79-5.  
10 Google makes this request with the good faith belief that the information sought to be sealed consists  
11 of Google's confidential and proprietary information and that public disclosure could cause  
12 competitive and other harm.

13 3. Google respectfully requests that the Court seal the redacted portion of the parties'  
14 Joint Submission.

15 4. The information requested to be sealed contains Google's confidential and  
16 proprietary information regarding highly sensitive features of Google's internal systems and  
17 operations, including details related to Google's internal metrics, data fields, and processes, that  
18 Google maintains as confidential in the ordinary course of its business and is not generally known  
19 to the public or Google's competitors.

20 5. Such highly confidential and proprietary information reveals Google's internal  
21 strategies, system designs, and business practices, and falls within the protected scope of the  
22 Protective Order entered in this action. *See* Dkt. 81 at 2-3.

23 6. Public disclosure of such highly confidential and proprietary information could affect  
24 Google's competitive standing as competitors may alter their system designs and practices relating  
25 to competing products, time strategic litigation, or otherwise unfairly compete with Google. It may  
26 also place Google at an increased risk of cyber security threats, as third parties may seek to use the  
27 information to compromise Google's infrastructure.

28

1 I declare under penalty of perjury of the laws of the United States that the foregoing is true  
2 and correct. Executed in Hoboken, New Jersey on January 6, 2023.  
3

4 DATED: January 6, 2023

5 QUINN EMANUEL URQUHART &  
6 SULLIVAN, LLP

7 By /s/ Donald Seth Fortenberry  
8 Donald Seth Fortenberry  
9 Attorney for Defendant

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